

The following forms with the commencement aforesaid shall be sufficient in actions on deeds or other contracts:

The plea "never indebted as alleged", although originally applicable only in an action of debt, is now a proper plea in *assumpsit*. *Fisher v. Diehl*, 94 Md. 114.

To a declaration against the acceptor of a draft under the act of 1856, ch. 112, the defendant may plead that he did not promise as alleged. *Kent v. Holliday*, 17 Md. 388.

As to the plea of usury, see art. 49, sec. 5.

42. That the alleged deed is not his deed.

As to the plea of *non est factum*, see sec. 11.

43. That at the time of the making of the alleged deed the defendant was and still is within twenty-one years of age.

44. That at the time of the making of the alleged deed the defendant was and still is the wife of one W. T.

45. That the defendant was unlawfully imprisoned by the plaintiff, and others in collusion with him, until by duress of imprisonment he made the alleged deed.

46. That the alleged deed was procured by the fraud of the plaintiff.

47. That the plaintiff threatened the life of the defendant unless he would make the alleged deed, and that from fear of the threats he made the same.

48. That after the sealing and delivery of the alleged deed it was, without the consent of the defendant, altered, and the words (insert them) were inserted and substituted therein for the words (insert them).

49. That the defendant delivered the alleged deed to one A. F., as an escrow, on condition that (state the condition) then the said A. F. should deliver the alleged deed to the plaintiff as the deed of the defendant. And the plaintiff has not performed the condition.

50. That the alleged cause of action did not accrue within _____ years (state the period of limitation applicable to the case) before this suit.

A plea that "the alleged cause of action did not accrue within three years," is sufficient although the declaration contains several counts. Limitations need not be pleaded separately to each count. *Wiley v. Heaps*, 89 Md. 45; *Bullen v. Ridgely*, 1 H. & J. 104.

A plea of limitations not stating when the cause of action accrued, but only that the plaintiff became of age at a certain time and did not bring his action within three years thereafter, is insufficient. *Perkins v. Turner*, 1 H. & McH. 400.

The plea "that the judgment in this action was recovered more than twelve years before the issuing of the *sci. fa.* thereon in this action", is sufficient. While a plea of limitations is received with strictness, it need not be in the words of the statute. *Brooks v. Preston*, 106 Md. 703. And see *Wallace v. Schaub*, 81 Md. 597; *State v. Green*, 4 G. & J. 381. *Cf.* *Beans v. Hamilton*, 3 Gill. 275.

The plea of limitations can not be amended. (See section 43). *Griffin v. Moore*, 143 Md. 246; *Kunkel v. Spooner*, 9 Md. 462; *State v. Green*, 4 G. & J. 381; *Wall v. Wall*, 2 H. & G. 79.

A plea of limitations will be stricken out if not filed within the time fixed by rule of court. *Washington, etc., Co. v. State*, 19 Md. 241; *Kunkel v.*